

**CHAPTER XXII
ZONING REGULATIONS**

ARTICLE 1

TITLE

22-1.01. These Regulations shall be known and may be cited as the Zoning Regulations for the City of Lindsborg, Kansas, and shall repeal and replace Ordinance No. 3400 and all amendments thereto.

ARTICLE 2

CITY PLANNING COMMISSION

22-2.01 CREATED: There is created in the City of Lindsborg, a Planning Commission, composed of nine members, two of whom shall reside outside the City, but within three miles of the corporate limits thereof; to be appointed by the mayor and approved by the council. Three of said members shall serve for a term of three years, three for two years, and three for a term of one year. Upon the expiration of their terms, members thereof shall be appointed for a term of three years each; and they shall serve without compensation. Vacancies shall be filled by appointment to the unexpired term only.

22-2.02 MEETINGS: Members of the City Planning Commission shall meet at least every other month, at such time and place as may be fixed by the Commission bylaws. They shall select one of their number as chairman, and one as vice-chairman who shall serve one year as such and until their successor has been selected. A secretary shall also be appointed annually who need not be a member of the Commission and who shall serve in a non-voting capacity. Special meetings may be called at any time by the chairman, or in his absence by the vice-chairman. A majority of the commission shall constitute a quorum for the transaction of business, and they shall keep a proper record of their proceedings.

ARTICLE 3

PURPOSE AND INTENT

22.3.01 The provisions of these Regulations are adopted for the purpose and intent of providing for the health and welfare of the citizens of the Lindsborg Zoning Jurisdiction through promotion of appropriate patterns and practices of urban development. Within this general purpose, the Zoning Regulations are intended to:

1. Promote the health and general welfare of the citizens.
2. Provide for adequate light and air and acceptable noise levels.
3. Encourage the most productive use of urban land resources through promotion of compatible land use patterns.
4. Prevent the overcrowding of land and undue concentration of population.
5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
6. Protect property values and encourage conservation of energy resources.
7. Regulate and restrict the location and use of buildings and the uses of land within each district for residential, commercial, industrial, and other purposes.
8. Regulate and restrict the height, number of stories, and size of buildings; the percentage of the lot that may be occupied by buildings and other structures; and the size of yards and other open spaces.
9. Guard against loss of life and damage to property due to flooding through protection of natural drainage features.
10. Preserve features of historical significance and encourage conservation of natural resources.
11. Implement goals, policies, and proposals of the comprehensive plan for the zoning jurisdiction.

ARTICLE 4

AUTHORITY AND JURISDICTION

22-4.01 AUTHORITY: The Regulations set forth herein are adopted under authority of state statutes (KSA 12-741 et. seq.) and in accordance with the adopted Land Use Plan for the City of Lindsborg, Kansas.

2204.02 JURISDICTION: These Regulations shall apply to all structures and land within the incorporated area of the City of Lindsborg, Kansas, plus such unincorporated area as may be added to the zoning jurisdiction by Ordinance.

22-4.03 NOTICE TO THE COUNTY: Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed which will affect property located outside the corporate boundary of the City of Lindsborg, written notice of such proposed action shall be given to the Governing Body of the county at least 20 days prior to the proposed action.

22-4.04 AGRICULTURAL EXCLUSION: Except for floodplain regulations in areas designated as a floodplain district, the regulations herein shall not apply to land and buildings under one ownership which are used exclusively for agricultural purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

ARTICLE 5

INTERPRETATION AND CONSTRUCTION

22-5.01 RULES OF INTERPRETATION: When interpreting the provisions of these Regulations, the following shall govern:

1. *Minimum Requirements.* In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of the City of Lindsborg.
2. *Overlapping or Contradictory Regulations.* Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. *Private Agreements.* The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement the requirements of these Regulations shall govern.
4. *District Boundary Lines.* Interpretation of zoning district boundary line locations shall be governed by the following:
 - A. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
 - B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
 - C. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
 - D. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.

22-5.02 RULES OF CONSTRUCTION: Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurally shall include both singular and plural interpretation.
2. The word “may” is permissive; the word “shall” is mandatory.
3. The present tense includes the past and future tenses and the future the present.
4. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

5. The word “person” includes individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words “use,” “used,” “occupy,” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
7. Unless otherwise specified all distances shall be measured horizontally.

ARTICLE 6

DEFINITIONS

22-6.02 DEFINITIONS: For the purpose of interpreting the provisions of these Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. *Accessory Building.* A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Ordinance, the term accessory building shall include dish antennas and similar structures.
2. *Accessory Use.* A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. *Agriculture.* The use of a tract of land where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.
4. *Alley.* A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.
5. *Alley Line.* The line of division between the public travelway comprising the alley and the private lot.
6. *Alteration.* Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
7. *Alterations.* (See *Structural Alterations*).
8. *Animal Hospital or Clinic.* An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. Boarding of animals shall be limited to that necessary for the treatment of the sick animals. This does not include open kennels or runs.
9. *Apartment.* (See *Dwelling, Multiple*).
10. *Approved Public Sanitary Sewer System.* A sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the City of Lindsborg, Kansas and the Kansas State Department of Health.
11. *Approved Public Water System.* Water treatment plant and service lines approved by the governing body of the City of Lindsborg, Kansas and the Kansas State Department of Health.
12. *Art Studio.* An Artist workroom.

13. *Automobile Service Station.* A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.
14. *Basement.* A story of a building having more than one-half (1/2) of its height below grade and which serves as substructure or foundation for the remainder of the building.
15. *Bed and Breakfast Inn.* A building other than a dwelling, where for compensation guestrooms are available for transient lodging with or without meals.
16. *Bed and Breakfast Home.* A private, owner/manager-occupied dwelling, where for compensation not more than four guestrooms are available for transient lodging with or without meals.
17. *Block.* A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, park, greenstrips, open land, or water ways.
18. *Boarding House.* A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.
19. *Board of Zoning Appeals.* The legally appointed municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning Ordinance and official map as defined within this Ordinance and in accordance with the laws of the State of Kansas.
20. *Buildable Area.* That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these Regulations.
21. *Building.* Any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by un-pierced walls from the ground up, each part is deemed a separate building.
22. *Building Height.* The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
23. *Building Official.* The person or persons designated to administer this zoning Ordinance, whether such person or persons be entitled City Administrator, Building Official, Building Inspector, Administrative Official, City Engineer, City Clerk or Zoning Official.
24. *Building – Principal.* A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a principal building.
25. *Business and Professional Office.* The office of an architect, engineer, dentist, doctor, attorney, real estate or insurance agent, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.

26. *Canopy.* Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
27. *Car Wash.* An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
28. *Cellar.* A room having more than one-half (1/2) of its height below grade.
29. *Child Care.* The process of caring for minor children unrelated to the caregiver as a service with or without financial arrangements. Child care shall include the term “babysitting” but shall not include preschools.
30. *Child Care Center.* A day nursery providing care for four (4) or more children for part or all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, preschools giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all requirements of the Kansas Department of Health and Environment for registration and/or licensing.
31. *Clinic.* (See *Medical, Dental or Health Clinic*).
32. *Club or Lodge.* A nonprofit association or organization formed for either fraternal, social, educational, philanthropic, or other similar purposes including unions and professional organizations.
33. *Common Open Space.* An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
34. *Condominium.* A multiple-family dwelling structure wherein the separate dwelling units are individually owned as opposed to rental units in an apartment.
35. *Density.* Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
36. *Developer.* The legal owner or owners of all of the land proposed to be included in a planned development or the duly authorized agent thereof. The holder of an option or contract or purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.
37. *District.* A section or sections of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity or use are uniform.
38. *Dwelling.* Any building or portion thereof which is designed and used exclusively for residential purposes.
39. *Dwelling, Attached.* A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

40. *Dwelling, Detached.* A residential building which is entirely surrounded by open space on the same lot.
41. *Dwelling, Multiple-Family.* A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels, and tourist courts.
42. *Dwelling, Single-Family.* A detached building or portion thereof designed for or occupied exclusively by one (1) family.
43. *Dwelling, Two-Family.* A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.
44. *Dwelling Unit.* One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
45. *Exception.* A use which is not permitted outright within a district, but is only allowed by a special use permit granted by the Board of Zoning Appeals when such exception is clearly and specifically listed in the district regulations.
46. *Fabrication.* That part of manufacturing which relates to stamping, cutting or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining or other initial processing of basic right-of-way materials.
47. *Family.* One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel.
48. *Farm.* Any parcel of land containing at least ten acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, dog kennels and commercial feed lots.
49. *Fence.* A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
50. *Fence, Site Obstructing.* A free-standing structure of metal, masonry, glass or wood, or evergreen plantings, or any combination thereof resting on or partially buried in the ground which shall be of such height and of such construction as necessary to block the view from outside by motorists and pedestrians. Visual density of the fence shall be at least 90 percent.
51. *Floodplain.* Land area subject to inundation from surplus storm water as defined by the Housing and Urban Development (HUD) flood insurance study and as depicted on the flood insurance rate map.
52. *Floor Area.* Floor area shall mean the gross floor area of all floors in the building including attached garages, stoops, porches and balconies.

53. *Foster Home.* A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.
54. *Fraternal and Civic Organizations.* An association formally organized for either fraternal, social, educational, philanthropic, or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county, and local laws.
55. *Frontage.* All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
56. *Garage, Private.* An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
57. *Garage, Public.* A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.
58. *Garage, Storage.* A building, or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.
59. *Governing Body.* The City Council of the City of Lindsborg, Kansas.
60. *Grade:*
- A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
 - B. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in “a” above) of all walls facing each street.
 - C. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
 - D. Any wall on the street side and approximately parallel to a street line is considered as facing the street.
61. *Group Homes.* Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.

62. *Home Occupation.* An accessory occupational use conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. (See Article 30 Section 22-30.10)
63. *Hospital.* An establishment used primarily for inpatient care and to provide health, medical, mental, and surgical care of the sick or injured, excluding animal hospitals.
64. *Hotel or Motel.* A commercial building used as a temporary abiding place for persons who are being lodged for compensation with or without meals.
65. *Inoperable Motor Vehicle.* A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency, or is not currently licensed.
66. *Institution (Nonprofit).* A building occupied by a non-profit corporation or a non-profit establishment for public use.
67. *Institution of Higher Learning.* A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.
68. *Junk or Salvage Yard* A lot, parcel, or tract of land, including buildings, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or other discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
69. *Kennel.* Any place, area, building, structure, or enclosure where more than two domesticated animals, commonly considered to be household pets, more than three months old, are boarded, cared for, housed, fed, trained, or bred. This definition includes both private and commercially operated facilities.
70. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
71. *Laundry.* An establishment where commercial laundry and dry cleaning work is undertaken.
72. *Laundry (Self-Service).* An establishment equipped with individual coin-operated washing, drying, or dry cleaning machines.
73. *Liquor Store.* A retail sales outlet for package alcoholic beverages and related items for consumption off the premises.
74. *Livestock.* Animal species commonly raised, bred and managed for economic gain as a normal aspect of an agricultural operation. Such definition shall not include animal species commonly raised, bred and managed as household pets.
75. *Loading or Unloading Space.* An off-street space or berth, on the same tract and contiguous with the principal building or group of buildings for the temporary parking of commercial vehicles for loading and unloading merchandise or materials.

76. *Lodging House.* A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.
77. *Lot or Plot.* A parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Ordinance. A lot or plot may include more than one plotted lot.
78. *Lot Area.* The total horizontal area within the lot lines of a lot.
79. *Lot, Corner or External.* A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.
80. *Lot Coverage.* The total area of building expressed as a percentage of the total lot, plot, or tract. (Includes both principal and accessory buildings)
81. *Lot, Depth Of.* A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.
82. *Lot, Double Frontage.* An internal lot having a frontage on two (2) streets.
83. *Lot, Interior.* Any lot which does not constitute a corner lot.
84. *Lot Line, Front.* A boundary line of a lot which coincides with a street boundary lines. The word “street” as used in this definition shall not include alley.
85. *Lot Line, Rear (Internal).* A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.
86. *Lot Line, Side (Internal).* A boundary line of a lot which does not coincide with a street boundary line. The word “street” as used in this definition does not include alley.
87. *Lot of Record.* A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds.
88. *Lot, Reversed Corner.* A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.
89. *Lot Width.* The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.
90. *Lot, Zoning.* A parcel or tract of land used, developed, or built upon under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
91. *Manufacturing* Any method of processing, developing, fabricating, or assembling, either raw materials, semi-finished materials, or parts into a semi-finished or finished produce.

92. *Manufactured Housing.* Any factory-assembled structure, or structures, equipped with the necessary utility service connections and made so as to be readily movable or transportable as a unit or units on its own running gear and designed to be used as a year-round single-family residential dwelling. The term manufactured home includes single-wide, double-wide and multi-wide units. The term does not include modular homes.
93. *Manufactured Home Lot.* A designated plot of ground within a manufactured home park designed to provide the utility service facilities and accommodation of one manufactured home and its accessory buildings, off-street parking and recreational areas for the exclusive use of its occupants.
94. *Manufactured Home Park.* Any area, parcel or tract of land which has been planned or designed and used, or intended to be used, by one or more occupied manufactured homes not placed on permanent concrete footings and foundations. Manufactured home parks are under one ownership and control and under no circumstances shall the individual manufactured home spaces or lots be sold or offered for sale. The term manufactured home park does not include sales lots, on which occupied or unoccupied manufactured homes, whether new or used, are parked for the purpose of storage inspection or sale.
95. *Manufactured Home, Residential Design.* A manufactured home on permanent foundation which has (1) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on on-site homes.
96. *Manufactured Home Space.* A plot of ground within a manufactured home park, which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage, gas and electricity.
97. *Medical Clinic.* Any building designed for use by more than one person lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.
98. *Modular Home.* A dwelling structure located on a permanent foundation with permanently connected utilities, consisting of pre-selected, prefabricated units, or modules designed to meet the requirements of the building code, and transported to and/or assembled on the site of its permanent foundation; as opposed to a dwelling structure which is custom built on the site of its permanent location; and also as opposed to a manufactured home, either single-wide, double-wide, or of multiple width.
99. *Motel.* A group of buildings including either separate cabins or a row of connected cabins or rooms which contain individual sleeping accommodations for transient occupancy and have individual entrances.
100. *Motor Vehicle Repair Shop.* A building or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.
101. *Nonconforming Lot of Record.* A platted lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
102. *Nonconforming Structure or Use.* A lawfully existing structure or use at the time these Regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located.
103. *Nursing Home.* An establishment or agency licensed by the State of Kansas for the reception, board, care, or treatment of three (3) or more unrelated elderly individuals.

- 104. Open Space...* A parcel of land that is not occupied by buildings, structures, parking area, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.
- 105. Owner.* Any person, agent, firm or corporation having a legal or equitable interest in the property.
- 106. Parcel.* All contiguous lands (including lots and parts of lots) held in one (1) ownership.
- 107. Park.* A public or private area of land, with or without buildings, intended for outdoor activities or passive recreational areas.
- 108. Parking Lot.* An open area, other than a street, used for the parking of automanufactureds.
- 109. Parking Space.* An area surfaced for the purpose of storing one parked automanufactured. For the purpose of this Ordinance one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.
- 110. Paved Parking.* A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free, all-weather condition.
- 111. Permanent Foundation.* A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
- 112. Person.* Any natural individual, firm, trust, partnership, association, or corporation.
- 113. Pharmacy.* A place or premises used solely for the preparation, compounding, and dispensing of drugs, medicines, medical-surgical supplies and prosthetic devices.
- 114. Place or Court.* An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
- 115. Planning Commission.* The City Planning Commission of Lindsborg, Kansas.
- 116. Planned Unit Development.* A tract of land meeting specified minimum site size whereon all elements of development may be designed as inter-related aspects of an overall improvement concept in accordance with the provisions of Article 15 of this Ordinance.
- 117. Plat.* A layout of a subdivision indicating the location and boundaries of individual properties.
- 118. Platting.* Whenever the terms platting, platted, or subdivided are used in this Ordinance, it shall refer to the process established by the duly adopted subdivision regulations of the City of Lindsborg.
- 119. Premises.* A parcel together with all buildings and structures thereon.
- 120. Private Club.* An organization licensed under state statutes to which the club members shall be permitted to consume alcoholic beverages. Said private club shall include Class A clubs unless otherwise permitted and Class B as defined by state statutes.

121. *Professional Office.* Any building or part thereof used by one or more persons engaged in the practice of a recognized profession.
122. *Public Improvement.* Any work within dedicated rights-of-ways or easements.
123. *Quasi-Public.* Essentially a public use, although under private ownership or control.
124. *Quorum.* A majority of the authorized members of a board or commission as defined by the organizational by-laws.
125. *Recreational Vehicle.* A vehicular unit, other than a manufactured home, whose gross floor area is less than 320 square feet (29.7m²), which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheeler trailer or van.
126. *Recycling Facility.* Any location where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.
127. *Renovation.* The interior or exterior remodeling of a structure, other than ordinary repair.
128. *Restaurant.* A public eating establishment except drive-ins in which the primary functions is the preparation and serving of food on the premises.
129. *Restaurant, Drive-In.* An eating establishment whose primary purpose is the sale, dispensing or serving of food, refreshments or beverages, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly call a cafeteria.
130. *Rooming House.* A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for four or more persons in contradiction to hotels open to transients.
131. *Salvage Yard.* A building or premise where junk, waste, inoperable motor vehicles are discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.
132. *Septic System.* A method of disposing of sewerage in a safe and sanitary manner. All such septic systems shall conform to all requirements of the Kansas Department of Health and Environment, and the McPherson County Health Department.
133. *Sign.* Any words, numerals, figures, devices, designs, or trade marks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air.
134. *Site.* See "Parcel."

135. *Sight Triangle.* An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety (90) feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the ninety (90) foot distance shall be increased to one hundred twenty (120) feet.

136. *Special Use Permit.* A special use permit is a written permit issued by the Zoning Administrator with the written authorization of the Appeals Board. This special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district Zoning Regulations.

137. *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

138. *Story, Half.* A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

139. *Street.* A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.

140. *Street Line.* A dividing line between a lot, tract, or parcel of land and the contiguous street.

141. *Street Network.*

- A. Arterial Street. A street which provides for through traffic movement between and around areas and across the City with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
- B. Collector Street. A street which provides for traffic movement between arterial and local streets with direct access to abutting property.
- C. Local Street. A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial, or residential areas.

142. *Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, or public items, such as utility poles, street light fixtures, and street signs.

143. *Structural Alterations.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Resolution, the following shall not be considered structural alterations.

- A. Attachment of a new front where structural supports are not changed.
- B. Addition of fire escapes where structural supports are not changed.

C. New windows where lintels and support walls are not materially changed.

- D. Repair or replacement of non-structural members.
- E. Alterations for the safety of the building and normal repairs and maintenance.

144. Subdivision. The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purpose which varies from the latest, approved subdivision of the same. See the land Subdivision Regulations.

145. Subdivision Plat. A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.

146. Tavern. An establishment in which the primary function is the public sale and serving of cereal malt beverages.

147. Temporary Structure. A building, shed or other enclosure not permanently attached to the ground intended to be used for short periods of time.

148. This Ordinance. The document duly approved and adopted by the Planning Commission and the City Council of Lindsborg, Kansas, which establishes zoning requirements.

149. Tourist Cabins. See "Motel."

150. Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

151. Townhouse. A multiple-family dwelling unit which is individually owned along with a lot or other tract of land, as opposed to a condominium.

152. Tract. A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Register of Deeds.

153. Use. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

154. Use Regulations. The provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.

155. Variance. A modification or variation of the provisions of these Regulations, as applied to a specific parcel of property, as distinct from rezoning.

156. Way. A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

157.Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

158.Yard, Front. A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. Each yard that abuts a street shall be considered a front yard.

159.Yard, Rear. A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.

160.Yard, Side. A yard extending along a side lot line parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard.

161.Zone or District. A portion, area, or section of the Lindsborg, Kansas zoning jurisdiction for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.

162.Zoning Administrator. The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these Zoning Regulations.

163.Zoning Area. The area to be zoned as set out on the Official Zoning Map filed of record.

164.Zoning Regulations. The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

22-6.02 Words or terms not herein defined shall have their ordinary meaning in relation to the context.

ARTICLE 7

DISTRICTS AND BOUNDARIES

22-7.01 DISTRICT CLASSIFICATIONS: In order to classify, regulate, and restrict the location of trades, industries, residential uses, and other uses; the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the Lindsborg Zoning Jurisdiction is divided into districts designated as follows:

“F - P”	Floodplain District
“A - 1”	Agriculture District
“R - S”	Suburban Single Family Dwelling District
“R”	Single-Family Dwelling District
“R - 1”	Single-Family Dwelling District
“R - 2”	Two-Family Dwelling District
“R - 3”	Multiple-Family Dwelling District
“PUD”	Planned Unit Development
“M - H”	Manufactured Home District
“M - P”	Manufactured Home Park District
“S - 1”	College and Institutional District
“C - S”	Highway Service District
“C - 1”	Neighborhood Shopping District
“C - 2”	Retail Business District
“C - 3”	General Business District
“I - 1”	Light Industrial District
“I - 2”	Heavy Industrial District
“I - P”	Industrial Park District

22-7.02 ZONING DISTRICT MAP: The boundaries of the zoning districts are shown on the map and/or sections thereof attached hereto and made a part of this Ordinance, which map is designated as the “Zoning Map,” City of Lindsborg, Kansas. The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said map and all the notations, references, and other information shown thereon were all fully set forth or described herein. Copies of the Zoning Map are properly attested and are on file with the City Clerk of Lindsborg, Kansas.

22-7.03 ANNEXATION RULE: All territory which may hereafter be annexed to the City shall be annexed as the zone recommended by the Planning Commission and approved by the Governing Body until or unless otherwise changed by ordinance.

ARTICLE 8

FLOODPLAIN DISTRICT

22-8.01 INTENT AND PURPOSE. The “F-P” Floodplain District is intended for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Flood Insurance Study and accompany Floodway Map, Community Panel Number 200215 0001 C, effective December 19, 1997, and any subsequent additions or amendments thereto, prepared for the City of Lindsborg by the Federal Insurance Administration. This zone is intended for application throughout the zoning jurisdiction in locations where official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainways.

22-8.02 DISTRICT REGULATIONS. In district “F-P” no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the permitted uses in the parent district to which this district is made a part, provided that such uses and structures meet the minimum requirements of §22-8.03. of these zone regulations.

22-8.03 SPECIAL USE REGULATIONS. Notwithstanding the requirements of the parent district, the other requirements of this zoning ordinance, and the detailed regulations present in City Ordinance Number 3650, the following regulations shall supplement the regulations of the parent district of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of Ordinance Number 3956. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the City Clerk. The application shall be accompanied by explanatory background information as required which shall include as a minimum:
 - a. Identification and description of the work to be covered by the permit.
 - b. Description of the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indication of the use or occupancy for which the proposed work is intended.
 - d. Provision of plans and specifications for proposed construction.
 - e. Signature of the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Provision of other information as may be reasonably required by the Building Inspector.
2. In areas within the municipal zoning jurisdiction which are designated as “F-P” Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Ordinance 3650.

22-8.04 INTENSITY OF USE REGULATIONS: The lot coverage and intensity of use of the parent district of which this district is made a part shall not exceed maximum allowable.

22-8.05 HEIGHT REGULATIONS: The height limits of the parent district of which this district is made a part shall be the maximum height requirements subject to additional requirements as prescribed by this Ordinance.

22-8.06 YARD REGULATIONS: The yard requirements of the parent district of which this district is made a part shall be the minimum yard requirements subject to additional requirements as prescribed by this Ordinance.

22-8.07 SIGN REGULATIONS: The sign regulations of the parent district of which this district is made a part shall be the minimum requirements for sign regulations.

22-8.08 PARKING AND LOADING REGULATIONS: The parking and loading regulations of the parent district of which this district is made a part shall be the minimum requirements subject to additional requirements as prescribed by this Ordinance.

22-8.09 OTHER PERMIT PROVISIONS: The City Council may grant exceptions to the permit requirements under the following conditions.

1. Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the building official within 10 days after commencement of the work and shall thereafter obtain a permit and perform such work as may be determined by a professional engineer to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity of the flood plain.
2. Work consisting of the operation, repair, or maintenance of any lawful use of land existing on the date of adoption of this Ordinance.

22-8.10 APPLICATION FOR PERMIT: ISSUANCE, CONDITIONS, RESPONSIBILITY, TERM, EXTENSION AND RENEWAL

1. A separate application for a permit shall be made to the Building Official, on a form approved by the City Council, for each act listed in § 22-8.07 or 22-8.08, or any act which alters the hydraulic characteristics of a flood plain, except that only one application need be made for two or more such acts which are to be done on the same parcel. The application shall include a map of the site and a plan and cost estimate of the proposed development. Such data shall be submitted in such detail as the Building Official may require. When the proposed development includes construction or alterations of structures, three sets of plans and specifications for such work shall be submitted with the application.
2. No application for permit shall be approved and no permit shall be issued when the Council finds that the proposed work will:
 - A. Substantially impair the water conveyance capacity of the water course.
 - B. Destroy a significant amount of riparian cover.
3. If no such findings are made, the permit shall be issued. In the event the permit is not issued, the findings of the City Council shall be documented as a matter of public record.

4. The City Council may issue a permit when it finds that neither of the effects listed in (A) and (B) above will be likely to result if the conditions are met. In formulating its conditions, the City Council may invite comments or recommendations from other commissions, government agencies, and private consultants that have expertise in hydrology.
5. Neither the issuance of a permit nor compliance with the conditions thereof, nor the provisions of this regulation shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the City of Lindsborg, its officers or employees, for injury or damage to persons or property. A permit issued pursuant to this does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other city ordinance, county, or state law.
6. The permittee shall begin the work authorized by the permit within 60 days from the date of issuance, unless a different date for commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the time limits specified in the permit, which in no event shall extend more than 12 months from the date of issuance. The permittee shall notify the building official at least 24 hours prior to the commencement of work. Should the work not be commenced as specified herein, then the permit shall become void unless prior to the date established for commencement of work, the permittee makes written request to the Building Official for an extension of time to commence the work, setting forth the reasons for the required extension, in which case the Building Official may grant such extension. A permit which has become void may be renewed at the discretion of the building official upon payment of a renewal fee. If the Building Official does not grant such renewal, a permit for such work may be granted only upon compliance with the procedures herein established for an original application. The permittee, at any time while a permit is in force, may make written request to the Building Official for an extension of time to complete the work covered by the permit. The Building Official shall grant such a request if, in his opinion, such an extension is warranted.
7. The permittee shall notify the building official in writing of the termination of the work authorized, and no work shall be deemed to have been completed until approved in writing by the Building Official following such written notification.
8. The Building Official may cause inspections of the work to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Building Official in making such inspections.

ARTICLE 9

“A – I” AGRICULTURAL DISTRICT

22-9.01 INTENT AND PURPOSE: The “A – 1” Agricultural District is established to permit normal agriculture uses and their accessory structures and to preserve the natural character of the land and protect agriculture uses by restricting and regulating density, land coverage and land use.

22-9.02 DISTRICT REGULATIONS: In “A – 1” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the uses listed in § 22-9.03 below. No uses may be permitted in this district which will be objectionable or offensive by reason of odor, dust, noise or other factors.

22-9.03 USE REGULATIONS:

1. General farm operations, not including:
 - A. The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
 - B. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in continuous odor, dust, or noise.
 - C. The construction of agricultural buildings or structures closer than ninety (90) feet to the centerline of a principal public way.
2. Single-family dwelling unit on two (2) or more acres for exclusive use by the farm family or employees.
3. Residential design, manufactured homes.
4. Manufactured homes incidental to general farm operations on the same tract or parcel with the principal dwelling provided the manufactured home is used exclusively by the farm family or employees, and provided that, in the case where individual wells and/or septic systems are used, spacing is in accordance with all applicable sanitary regulations.
5. Group homes.
6. Churches and similar places of worship and parish houses.
7. Farms and ranches.
8. Golf courses and other open land recreational uses, except miniature golf courses, driving tees, or other intensive commercial uses, such as automobile race track or amusement park.
9. Greenhouses, nurseries, and garden centers.
10. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
11. Privately-owned parks, playgrounds, golf courses, or other outdoor recreational areas, such as campgrounds, youth camps, gun clubs, and archery, trap, and skeet ranges.

12. Public and semi-public parks, playgrounds, campgrounds, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organizations.
13. Public or parochial elementary, junior high, and high schools and private schools with equivalent curriculum.
14. Child care centers.
15. Riding stables and academies providing no structures housing horses shall be located nearer than six hundred (600) feet to the boundary of any residential district.
16. Stands for sale of agricultural products or commodities raised on the premises.
17. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbecue ovens, fireplaces, and similar uses.
18. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
19. Utility lines and facilities necessary for public service, and including refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams, and power plants, subject to applicable Kansas Department of Health and Environment.
20. Watersheds, wildlife habitats, wildlife production areas, and game management areas or other conservation uses.
21. Animal feed lots provided such confined feeding operation shall not be located closer than one-mile to any residence and provided that proper sanitation and odor control procedures are present as necessary to maintain a healthful environment in the vicinity.
22. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning appeals and subject to conditions as the Board may impose.
 - A. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - B. Airport or heliport.
 - C. Bed and Breakfast establishments.
 - D. Cemetery or crematory.
 - E. Electronic communications towers, provided that towers within one hundred fifty (150) feet of a dwelling district zone may have a height of no more than eighty (80) feet; and customary accessory uses incidental to electronic communications towers, such as parking areas, electronics, and generator buildings. (not to include broadcast studios)
 - F. Home occupations.

- G. Nursing homes, rest homes, convalescent homes, and homes for the aged on a tract of land three (3) acres or larger.
- H. Animal hospital or kennel, provided that no animal hospital shall be located closer than three hundred (300) feet from any residential zone, and that no kennel may be located closer than one thousand (1,000) feet from any residential zone. Additionally:
 - 1) The minimum lot size shall be not less than two (2) acres.
 - 2) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property lines.
 - 3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), conifers, solid masonry, brick, or stone wall, louvered wood, stockade or chainlink fence with aluminum strip intertwined, or other equivalent fencing providing a sight barrier to the dogs.
 - 4) Oil and gas exploration and extraction.

22-9.04 INTENSITY OF USE REGULATION: Tracts in this district shall be subject to the following minimum size requirements:

- 1. Tracts served by private water wells and septic systems — five (5) acres.
- 2. Tracts served by a public water system and a private septic system — three (3) acres.
- 3. Tracts served by a public water system and public sewer system — two (2) acres.

22-9.05 HEIGHT REGULATIONS: Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Ordinance, no building or structure shall exceed the following height restrictions:

- 1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.
- 2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed eighty (80) feet in height. Buildings and structures used for nonagricultural purposes shall not exceed thirty-five (35) feet in height.

22-9.06 YARD REGULATIONS:

- 1. *Front Yard.*
 - A. There shall be a front yard having a depth of not less than thirty (30) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations)
 - B. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.

- C. Where a lot or tract is located at the intersections of two (2) or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
- 2. *Side Yard.* There shall be a side yard of not less than fifteen (15) feet.
- 3. *Rear Yard.* Except as hereinafter provided in the additional height, area, and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than forty (40) feet.

22-9.07 SIGN REGULATIONS: See ARTICLE 26

22-9.08 PARKING AND LOADING REGULATIONS: See ARTICLE 27

22-.09 LANDSCAPING REGULATIONS: See ARTICLE 30

ARTICLE 10

“R-S” SUBURBAN SINGLE FAMILY DWELLING DISTRICT

22-10.01 INTENT AND PURPOSE OF DISTRICT: The “R – S” Suburban Single Family Dwelling District is established to provide for single-family rural residential development at a low density and to allow certain public facilities. It is the intent of the district regulation to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures. This zone is intended for application in rural areas and is intended to minimize conflicts of incompatible uses of land and protect the public health and welfare.

22-10.02 DISTRICT REGULATIONS: In the “R – S” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the following uses listed in 22-10.03 below.

22-10.03 USE REGULATIONS:

1. General farm operations. This shall not include or permit:
 - A. Any activity within three hundred (300) feet of another residential district which is noxious or offensive by reason of dust, odor, or noise.
 - B. Confined animal feed lots.
2. Single-family non-farm dwellings.
3. Residential design manufactured homes.
4. Group homes and foster homes.
5. Temporary structures incidental to construction work but only for the period of work. Basements and cellars may not be occupied for residential purposes until the building is completed.
6. Golf courses, except miniature golf courses or driving tees.
7. Public parks, playgrounds, and recreational areas owned and operated by a public agency.
8. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
9. Raising of trees, shrubs and grasses not sold on the premises.
10. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
 - A. Bed and breakfast homes.
 - B. Raising and care of livestock for show and pleasure, provided:

- 1) When an “R –S” District or a portion thereof is reclassified to another more restrictive residential zone, those uses granted by special use permit for animal shelters or similar related uses shall be completely discontinued within a period of six (6) months from the date of reclassification.
 - 2) Uses permitted in “B” above shall not be kept for commercial purposes.
 - 3) Livestock permitted in “B” above shall be properly sheltered and proper sanitation shall be maintained at all times.
 - 4) Livestock cages or pens permitted in “B” above shall not be closer than fifty (50) feet from any residence.
 - 5) The numbers of livestock permitted shall not exceed three (3) large animals such as horses or cattle; four (4) medium sized animals such as sheep, goats or swine; or eight (8) small animals such as rabbits, ducks or geese.
- C. Churches and similar places of worship.
- D. Home occupations.
- E. Hospitals for people on a lot, plot, or tract of land five (5) acres or larger.
- F. Licensed child care center.
- G. Nursing home, sanitarium, rest home, homes for the aged, or convalescent home on a lot, plot, or tract of land five acres or larger.
- H. Schools – public or parochial, elementary, junior high and high schools, and private schools with equivalent curriculum.
- I. Cemetery, crematory, or mausoleum when used in conjunction with a cemetery.
- J. Any public building erected or land used by any department of the City, County, State, or Federal Government.
- K. Telephone exchange, electric substations, regulator stations, and other public utilities.

22-10.04 INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

1. Lots served by private water wells and septic systems — five (5) acres, with a minimum lot width of one hundred forty (140) feet.
2. Lots served by a public water system and a private septic system — three (3) acres, with a minimum lot width of one hundred forty (140) feet.
3. Lots served by a public water system and a public sewer system — nine thousand (9,000) square feet. Lots shall have an average lot width of not less than seventy (70) feet.

22-10.05 LOT COVERAGE: The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

22-10.06 HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

22-10.07 YARD REGULATIONS:

1. Front Yard.
 - A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in Article 30.
 - B. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - C. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line.
2. Side Yard. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

22-10.08 SIGN REGULATIONS: See ARTICLE 26

22-10.09 PARKING AND LOADING REGULATIONS: See ARTICLE 27

ARTICLE 11

“R” SINGLE-FAMILY DWELLING DISTRICT

22-11.01 INTENT AND PURPOSE OF DISTRICT: The “R” Single-Family Dwelling District is established for the purpose of low density, single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

22-11.02 DISTRICT REGULATIONS: In District “R”, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for other than one of the uses listed in § 22-11.03 below.

22-11.03 USE REGULATIONS:

1. Single-family dwellings.
2. Group homes and foster homes.
3. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
4. Public parks, playgrounds, recreational areas and community buildings owned and operated by a public agency.
5. Raising of crops, trees, shrubs and grasses not sold on the premises.
6. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.
 - A. Uses unrelated to the principal use:
 - B. Any activity commonly conducted for gain.
7. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and subject to conditions as the Board may impose.
 - A. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - B. Cemetery or crematory.
 - C. Telephone exchange, electric substations and regulator stations, or other public utilities.
 - D. Radio, television, navigation or military control station, transmitter or tower.
 - E. Home occupations.
 - F. Child care center.

G. Bed and breakfast home.

22-11.04 INTENSITY OF USE REGULATIONS: Every lot of land shall have an area of not less than 8,400 square feet and an average width of not less than seventy feet, except that if a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements in this district. The principal building and accessory structures shall not cover more than forty percent of the lot area.

22-11.05 HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height, except as otherwise provided in the additional height, area and use regulations in this Ordinance.

22-11.06 YARD REGULATIONS:

1. Front Yard.

- A. There shall be a front yard having a depth of not less than thirty feet except as required for arterial and collector streets. (See additional height, area and use regulations)
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.
- C. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard.

- A. Except as hereinafter provided in the following paragraph and in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of the principal building.
- B. Wherever a lot of record as of the effective date of this Ordinance has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.

3. Rear Yard. Except as hereinafter provided in the additional height, area and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than thirty feet or twenty percent of the depth of the lot, whichever amount is smaller.

22-11.07 SIGN REGULATIONS: See ARTICLE 26.

22-11.08 PARKING AND LOADING REGULATIONS: See ARTICLE 27.

22-11.09 LANDSCAPING REGULATIONS: See ARTICLE 30.

ARTICLE 12

“R – 1” SINGLE-FAMILY DWELLING DISTRICT

22-12.01 INTENT AND PURPOSE OF DISTRICT: The “R – 1” Single-Family Dwelling District is established for the purpose of low density, single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

22-12.02 DISTRICT REGULATIONS: In the “R – 1” District, no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in §22-12.03 below.

22-12.03 USE REGULATIONS: All uses first allowed in District “R” and the following:

1. Athletic field including stadium.
2. Arts and crafts.
3. The renting of not to exceed two sleeping rooms with a total occupancy of three persons for whom board may be furnished but with the prohibition of separate culinary accommodations for such tenants.
4. Institutions of a eleemosynary, fraternal or philanthropic nature.
5. The following uses maybe allowed by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals.
 - A. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - B. Cemetery or crematory
 - C. Telephone exchange, electric substations and regulator stations, or other public utilities.
 - D. Home occupations.
 - E. Child care center.
 - F. Bed and breakfast home.

22-12.04 INTENSITY OF USE REGULATIONS: Every lot of land shall have an area of not less than 7,200 square feet and an average width of not less than sixty feet, except that if a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements in this district. The principal building and accessory structures shall not cover more than forty-five percent of the lot area.

22-12.05 HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height, except as otherwise provided in the additional height, area and use regulations in this Ordinance.

22-12.06 YARD REGULATIONS:

1. Front Yard.
 - A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets. (See additional height, area and use regulations)
 - B. Where lots have a double frontage, the required front yard shall be provided on both streets.
 - C. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard.
 - A. Except as hereinafter required in following paragraph and in the additional height, area and use regulations of this Ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of the principal building.
 - B. Wherever a lot of record as of the effective date of this Ordinance has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.
3. Rear Yard: Except as hereinafter provided in the additional height, area and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than twenty-five (25) or twenty percent of the depth of the lot, whichever amount is smaller.

22-12.07 SIGN REGULATIONS: See ARTICLE 26.

22-12.08 PARKING AND LOADING REGULATIONS: See ARTICLE 27.

22-12.09 LANDSCAPING REGULATIONS: See ARTICLE 30.

ARTICLE 13

“R – 2” TWO-FAMILY DWELLING DISTRICT

22-13.01 INTENT AND PURPOSE OF DISTRICT: The “R – 2” Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in district “R” and “R – 1”, yet retaining the residential qualities. This district allows duplex uses, single-family homes, certain community facilities, and certain special uses.

22-13.02 DISTRICT REGULATIONS: In the “R – 2” District, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in § 22-13.03 below:

22-13.03 USE REGULATIONS: All uses first allowed in Districts “R” and “R-1” and the following:

1. Two-family dwellings.
2. The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals.
 - A. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - B. Cemetery or crematory.
 - C. Child care center.
 - D. Telephone exchange, electric substations and regulator stations, or other public utilities.
 - E. Home occupations.
 - F. Bed and breakfast home.

22-13.04 INTENSITY OF USE REGULATIONS: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or re-constructed, shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet per family.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand five hundred (3,500) square feet per family.
3. Where a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements of this district. The principal and accessory structures shall not cover more than 40 percent of the lot area.

22-13.05 HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height except as otherwise provided in the additional height, area and use regulations in this Ordinance.

22-13.06 YARD REGULATIONS:

1. Front Yard.

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets. (See additional height, area and use regulations)
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.
- C. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record at the time of the passage of this Ordinance shall not be reduced to less than twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard.

- A. Except as hereinafter provided in the following paragraph and the additional height, area and use regulations of this Ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of the principal building.
- B. Wherever a lot of record as of the effective date of this Ordinance has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard:

- A. Except as hereinafter provided in the additional height, area and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

22-13.07 SIGN REGULATIONS: See ARTICLE 26.

22-13.08 PARKING & LOADING REGULATIONS: See ARTICLE 27.

22-13.09 LANDSCAPING REGULATIONS: See ARTICLE 30.